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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,755	06/15/2001	Olivier Marce	Q64933	5934

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EXAMINER
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FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/880,755	<b>Applicant(s)</b> MARCE ET AL.	
	<b>Examiner</b> Bryan J. Fox	<b>Art Unit</b> 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 21, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-10 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant (US006122501A).

Regarding claim 1, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, "method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone, comprising a step of determining said service by

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the geographic location of said mobile telephone and a service request including a short-code number supplied by a user to said mobile telephone, wherein the short-code number identifies a single service in a given geographical area.”

Regarding claim 2, Gallant discloses that mobile subscriber first dials an SDS/MFC and a wireless signal containing the SDS/MFC is received by nearby mobile switching center 204 which passes the received SDS/MFC, together with other information to centralized processing center 110 and translation of the received SDS/MFC into a number to be dialed is performed by the HLR within centralized processing center 110 (see column 4, lines 54-63), which reads on the claimed, “on receiving said service request, a control station to which said mobile telephone is connected supplies said short-code number and information relating to said geographical location of said telephone to a centralized manager associated with a central database.”

Regarding claim 3, Gallant discloses the mobile switching center group number (MGN) is used to associate SDSs with particular geographies (see column 5, line 58 – column 6, line 9), which reads on the claimed, “said information relating to location is an identifier of said control station.”

Regarding claim 4, Galant discloses the translation occurs via the HLR (see column 4, lines 54-63), which reads on the claimed, “said services are stored in a local database associated with said control station to which said mobile telephone is connected.”

Regarding claim 7, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, "control station is a telecommunication network including means for communicating with a set of mobile telephones further including means for implementing a method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone, in which method said service is determined by the geographical location of said mobile telephone and a service request including a short-code number supplied by a user to said mobile telephone, and the short-code number identifies a single service in a given geographical area."

Regarding claim 8, Gallant discloses that mobile subscriber first dials an SDS/MFC and a wireless signal containing the SDS/MFC is received by nearby mobile switching center 204 which passes the received SDS/MFC, together with other information to centralized processing center 110 and translation of the received SDS/MFC into a number to be dialed is performed by the HLR within centralized processing center 110 (see column 4, lines 54-63), which reads on the claimed, "on receiving said service request, a control station to which said mobile telephone is connected supplies said short-code number and information relating to said geographical location of said telephone to a centralized manager associated with a central database."

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Regarding claim 9, Gallant discloses the mobile switching center group number (MGN) is used to associate SDSs with particular geographies (see column 5, line 58 – column 6, line 9), which reads on the claimed, “said information relating to location is an identifier of said control station.”

Regarding claim 10, Galant discloses the translation occurs via the HLR (see column 4, lines 54-63), which reads on the claimed, “said services are stored in a local database associated with said control station to which said mobile telephone is connected.”

Regarding claim 15, Gallant discloses that a SDS is translated to a number to be dialed (see column 4, lines 54-63), which reads on the claimed, “at least one of said short-code numbers designates a single commercial establishment.”

Regarding claim 16, Gallant discloses the use of three digits (see column 4, lines 8-17), which reads on the claimed, “said short-code number is no more than three digits.”

Regarding claim 17, Gallant discloses the use of three digits (see column 4, lines 8-17), which reads on the claimed, “said short-code number is no more than three digits.”

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant in view of Michaels et al. (US006011976A).

Regarding claims 5 and 11, Gallant fails to teach that a short code is sent to the user in an SMS message.

In a similar field of endeavor, Michaels et al. discloses a wireless telecommunications system where informational messages can be sent to a user based on the users location, and the message includes a telephone number of an advertiser (see column 3, lines 6-9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Michaels et al. to include the above sending of telephone numbers to the user in order to allow a vendor to alert users of valuable information offered.

Regarding claims 6 and 12, Gallant fails to teach the use of a profile so that only services matching the user are transmitted to the user.

In a similar field of endeavor, Michaels et al. discloses that the SIM card can be trained only to receive messages detailing services relevant to a subscriber's needs

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(see column 6, lines 34-36), which reads on the claimed invention that only transmits numbers corresponding to services matching a user profile.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Michaels et al. to include the above selective receiving of messages in order to prevent the user from receiving too many messages in which he has no interest.

Claims 13, 14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant in view of Ilan.

Regarding claim 13, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, "method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone, comprising a step of determining said service by the geographical location of said mobile telephone and a service request including a short-code number entered by a user of the mobile telephone." Gallant fails to disclose the short-code number is being supplied to the user from the business facility and identifies a single business facility.

In a similar field of endeavor, Ilan et al disclose information such as a coupon, can be transmitted to a user of a mobile device and the information could be a telephone number (see paragraphs 38-40). This information could be transmitted from



a sign or billboard (see paragraph 80). When the sign is located at the facility, this reads on the claimed, "said short-code number being supplied to said user from the business facility," and "identifying a single business facility."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Ilan et al to include the above transmitting from the billboard at the facility in order to allow a user maximum control over what information she receives.

Regarding claim 14, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, "control station in a telecommunication network associated with said mobile terminals, in which method said service is determined by the geographical location of said mobile telephone and a service request including a short-code number." Gallant fails to disclose the short-code number is being supplied to the user from the business facility and identifies a single business facility.

In a similar field of endeavor, Ilan et al disclose information such as a coupon, can be transmitted to a user of a mobile device and the information could be a telephone number (see paragraphs 38-40). This information could be transmitted from a sign or billboard (see paragraph 80). When the sign is located at the facility, this reads on the claimed, "said short-code number being supplied to said user from the business facility," and "identifying a single business facility."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Ilan et al to include the above transmitting from the billboard at the facility in order to allow a user maximum control over what information she receives.

Regarding claim 18, the combination of Gallant and Ilan discloses the use of three digits (see Gallant column 4, lines 8-17), which reads on the claimed, "said short-code number is no more than three digits."

Regarding claim 19, the combination of Gallant and Ilan discloses the use of three digits (see Gallant column 4, lines 8-17), which reads on the claimed, "said short-code number is no more than three digits."

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Malackowski et al (US006411803B1) disclose a system and method of providing service information to a subscriber through a wireless device.

Roy (US005216703A) discloses piggy-back number and routing isolation for cellular telephone switches.


Liebesny et al (US005131020A) disclose a method and system for providing continually updated traffic or other information to telephonically and other communications-linked customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox  
March 6, 2006

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER